

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARIA CAREY and JAMES P. CAREY,

Plaintiffs,

v.

KOS PHARMACEUTICALS, INC.,

Defendant.

CIVIL ACTION NO. 3:05-CV-0688

(JUDGE CAPUTO)

**ADDENDUM TO MEMORANDUM**

This will serve as an Addendum to the Memorandum of April 21, 2006.

In the third paragraph beginning on page 1, second line, "Counts II, III and VI" is corrected to read "Counts I, III and VI."

In the fourth paragraph on page 7, the paragraph "Therefore, the motion will be denied as to Counts II and III and granted as to Counts IV and V" is corrected to read "Therefore, the motion will be denied as to Counts I, III and VI and granted as to Counts II, IV and V."

Date

April 28, 2006

  
A. Richard Caputo  
United States District Judge

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MARIA CAREY and JAMES P. CAREY,

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KOS PHARMACEUTICALS, INC.,

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(JUDGE CAPUTO)

**ORDER**

NOW, this 28<sup>th</sup> day of April, 2006, **IT IS HEREBY ORDERED** that the order of April 21, 2006 is vacated and in its place shall be the following order:

**IT IS HEREBY ORDERED** that Defendant Kos Pharmaceuticals, Inc.'s Motion to Dismiss (Doc. 14) is **DENIED IN PART** and **GRANTED IN PART**, as follows:

1. It is **DENIED** as to Counts I (Hostile Work Environment), III (Assault and Battery) and VI (Loss of Consortium), respectively; and,
2. It is **GRANTED** as to Counts II (Hostile Work Environment-PHRA), IV (Intentional Infliction of Emotional Distress) and V (Negligent Supervision), respectively.

  
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A. Richard Caputo  
United States District Judge